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## Bulletin of the University of Notre Dame The Law School 1959–60, Volume 56, Number 3

University of Notre Dame

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UNIV. OF NOTRE DAME

Bulletin of Information

University of Notre Dame

The Law School

1959 - 1960

*“Under a government of laws the lives, the fortunes and the freedom of the people are wholly dependent upon the enforcement of their constitutional rights by an independent judiciary and by an independent Bar.*

*“The legal profession is a public profession. Lawyers are public servants. They are the stewards of all the legal rights and obligations of all the citizens.”*

Reginald Heber Smith, *Survey of the Legal Profession: Its Scope, Methods and Objectives*, 39 AMERICAN BAR ASSOCIATION JOURNAL 548 (1953).

The Law School  
of  
The University of Notre Dame



Academic Year 1959-1960

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*"The first of the qualities [which a lawyer should possess is] . . . [u]tter fidelity to the cause of a client, with no thought of popularity to be won in his defense, no thought of unpopularity to be incurred by the assumption of his cause. When old Malesherbes came voluntarily from his serene and safe retirement to defend Louis XVI before the Revolutionary Convention in Paris, he lost his case, as it was predetermined that he should, Louis lost his head, and a few months later the venerable head of Malesherbes followed that of his King into the bloody basket. But generations of lawyers since have worshipped his memory as Christians worship the martyred Stephen. When John Adams came to the defense of Captain Preston and his British soldiers after the so-called Massacre in Boston's King Street, with all of Boston clamoring at his door; when Andrew Hamilton came from Philadelphia to New York to the defense of John Peter Zenger and struck that great blow for the freedom of the press in America, they but did what every lawyer should rejoice to do if a like summons came to him."*

John W. Davis in 24 AMERICAN BAR ASSOCIATION JOURNAL 461 (1938).

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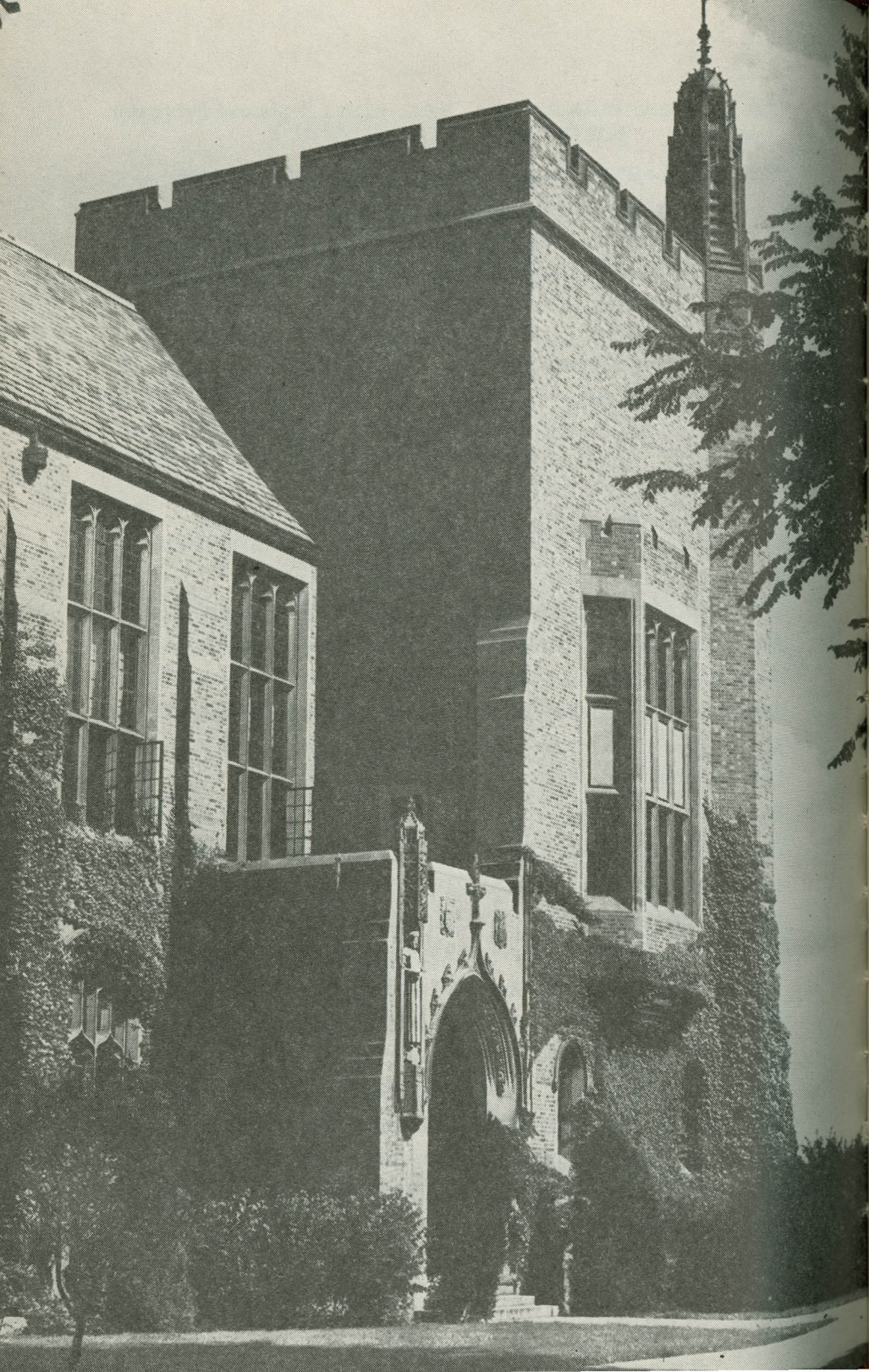
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# Notre Dame Law School

**T**HE Notre Dame Law School, established in 1869, is the oldest Catholic law school in the United States. In keeping with its character as a national law school, the program of instruction is designed to equip a student to practice law in any jurisdiction; and the School numbers among its graduates members of the bar in every state of the Union. It is approved by the American Bar Association and is a member of the Association of American Law Schools.

## PURPOSE

Drawing inspiration, as it does, from the Christian tradition, The Law School, while aiming first of all at technical proficiency, aims at more than that. Its primary purpose is to impart the knowledge and cultivate the skills a lawyer needs to represent his clients effectively in a twentieth-century, workaday world. But professional competence is not enough: The Law School believes that lawyers and law schools must face the great questions concerning the nature of man and of society, the origin and purpose of law and the lawyer's role in society. These questions are given searching examination throughout the curriculum, particularly in a course on the history of the legal profession in the first year, a natural law seminar in the second year and a course on jurisprudence in the third year. Thus the School systematically endeavors to illuminate the great jurisprudential issues which, especially in this fateful age, insistently press for answer; and to make clear the ethical principles and inculcate the ideals which should actuate a lawyer. The School believes that a lawyer is best served, and the community as well, if he possesses not only legal knowledge and legal skills but also a profound sense of the ethics of his profession—and something else which the curriculum is likewise designed to cultivate: pride in the legal profession and a fierce partisanship for justice.

In short, the aim is to graduate men competent to practice law successfully who are at the same time equipped for responsible leadership in a troubled world.

## METHODS OF INSTRUCTION

Professional competence in the law comprises two elements, knowledge and skills. Hence The Law School is concerned not only with imparting knowledge but also with cultivating skills. What are the skills a lawyer needs? They are many and varied, but the basic skills essential to professional competence are three in number. First of all, a lawyer must be able to diagnose a situation; he needs the ability to penetrate to the core of a problem. Next, he must be able to "find the law," that is, he must be able to locate *with facility* materials relevant to his problem and he must have the know-how to use those materials to advantage in his client's cause. Finally, he must be able to express himself clearly, accurately and persuasively.

The first of these basic legal skills, skill in diagnosis, is developed by intensive training in analysis through rigorous use of the case method in the first year. The primary purpose is to sharpen the critical faculties of the student and, at the same time, to develop his creative abilities by keeping constantly before him this question: *If you had been counsel in the case, how would you have presented it?*

The remainder of the basic legal skills can best be cultivated by actual practice of the arts involved. Beginning with the second year, therefore, emphasis is shifted from the case method to the problem method, whereby students learn law by *using* it in working out specific legal problems. This gives the student intimate familiarity with the library and provides intensive training in the interpretation, adaptation and creative utilization of the materials he finds there.

The School is committed to small classes in order to facilitate participation by every student in the discussion at every meeting of every class.

Formal instruction is supplemented by lectures and panel discussions by eminent judges, practicing lawyers and legal scholars.

## COMPREHENSIVE EXAMINATIONS

As an aid to learning, the School has designed a system of comprehensive examinations. At the end of each semester

students are examined not only on the work of the semester just concluded but on the work of preceding semesters as well; and the questions cut across various fields of law as do questions with which practicing lawyers have to wrestle. Except in the first year, each comprehensive examination covers the work of three semesters.

This system of examinations requires of the students *consistent* study. But the consistent study, and the systematic and continuous review which these examinations necessitate, reward the student with the kind of legal knowledge it is important to have—knowledge that is retained and kept current and so is always on call. Moreover, the interlocking system of comprehensive examinations and systematic and continuous review brings subjects already covered into juxtaposition with those currently under study and thus facilitates and deepens the student's understanding by helping him to see the law as an organic whole rather than as a succession of separate courses.

#### CLASS ADVISERS

One of the hallmarks of the Notre Dame Law School is the close liaison between faculty and students. Members of the faculty are always accessible. In addition, there is a class-adviser system, two members of the faculty being assigned as advisers to each class. First-year students are urged to consult at least twice a month, upper classmen at least monthly, with one of their class advisers. The aim is to encourage students to seek timely counsel respecting scholastic difficulties or any of the problems by which students sometimes are beset.

#### VETERANS

The Law School welcomes veterans. Many of those who have served their country are confronted by problems which ordinarily do not concern a law student. The School makes every possible effort to be helpful to them.

#### LAW BUILDING AND LIBRARY

The Law School occupies a handsome three-story structure of collegiate Gothic design at the entrance to the campus. This building, 157 feet long and 104 feet wide, has an

assembly hall, classrooms, a courtroom, offices for the faculty and administrative staff, the *Notre Dame Lawyer*, the Moot Court and the Student Law Association, and a comfortable student lounge. In addition, it houses the Law Library, which includes a reading room 50 feet wide and 100 feet long, done in Tudor Gothic.

#### PLACEMENT

The Law School recognizes a responsibility to assist its students in finding suitable employment upon graduation. To that end a placement service is operated as one of the functions of the Dean's office. Contacts are maintained with lawyers and law firms throughout the country and with corporate and government legal offices, and qualified applicants are put in touch with prospective employers. While the School obviously cannot guarantee employment, it does make every effort to assist in locating employment opportunities. In addition, the facilities of the University's Placement Office are available to law students.

## Student Activities

### NOTRE DAME LAWYER

The *Notre Dame Lawyer*, founded in 1925, is published quarterly by the students of The Law School. It affords an invaluable opportunity for training in precise analysis of legal problems and in clear and cogent presentation of legal issues. The *Lawyer* contains articles and book reviews by eminent members of the legal profession as well as comments and notes by the Editorial Staff. The *Lawyer* is entirely student edited and its significance as an integral and important part of the School's instructional program derives in large measure from this fact.

Members of the Editorial Staff are selected from second- and third-year students on the basis of academic standing, and appointment to the Staff is recognized as a distinct honor. A first-year student whose academic record measures up to the required standard of excellence receives a provisional appointment and is eligible to join an in-training group conducted in the second semester by members of the Staff.

The officers of the *Lawyer* are selected from senior members of the Editorial Staff on the basis of their scholastic, literary and leadership achievements. For the academic year 1958-59 the officers are:

Editor, Patrick F. McCartan, Jr. of Ohio  
Associate Editor, Richard C. Clark of Illinois  
Managing Editor, Richard D. Schiller of Illinois  
Articles Editor, John E. Kennedy of Minnesota  
Associate Articles Editor, Norris J. Bishton of Illinois  
Case Editor, William J. Harte of Illinois  
Note Editor, Daniel W. Hammer of Ohio

### MOOT COURT

The Moot Court, like the *Notre Dame Lawyer*, is conducted by the students themselves. First-year students are

required to brief and argue at least one appellate case. Second-year students are eligible for the annual Moot Court Competition. The elimination rounds of the competition are conducted throughout the year; appellate cases, based on hypothetical factual situations, are briefed and argued before the imaginary Supreme Court of Hoynes, so called in honor of the late Col. William James Hoynes, Dean of the School from 1883 to 1918. During the elimination rounds the Supreme Court of Hoynes consists of a practicing lawyer, a faculty member and a third-year student. Four second-year students act as counsel in each case. The two students whose presentation is adjudged superior by the court continue in the competition, the other two being eliminated.

For the final argument of the annual competition the court is composed of eminent judges of federal and state courts. The two winners receive the Dean's Award, provided annually by former dean Clarence E. Manion; they represent the School in the National Moot Court Competition. In addition, cash prizes are presented to the participants by the Notre Dame Law Association. Quite apart from these awards, participation in the final argument is a coveted distinction.

The final argument in the 1957-58 competition was held on Saturday evening, November 18, 1958. The court which sat on that occasion was composed of:

Honorable Sherman Minton of the Supreme Court  
of the United States  
Honorable M. C. Matthes of the United States  
Court of Appeals for the Eighth Circuit  
Honorable Henry N. Graven of the United States  
District Court for the Northern District of Iowa

The students who participated in the argument before this distinguished court were:

Altero J. Alteri of Michigan  
Dana C. Devoe of Maine  
Robert P. Mone of Ohio  
Milton M. Munk, Jr. of Pennsylvania

The officers of the Moot Court for the academic year 1958-59 are:

Director, James A. Durkin of Illinois  
Executive Director, Jerome M. Lynes of New Jersey  
Chancellor, Kosma J. Glavas of Ohio  
Publicity Director, Dana C. Devoe of Maine  
Secretary, Robert P. Mone of Ohio

#### STUDENT LAW ASSOCIATION

All students are eligible for membership in the Student Law Association. The purpose of the Association is to foster the professional development and the social life of the students, and to represent their interests. It is a member of the American Law Student Association, which is sponsored by the American Bar Association.

The Student Law Association has many important functions. Each year distinguished members of the bar are brought to The Law School under its auspices in order to acquaint the students with the ideas and attitudes of outstanding practicing lawyers, judges and legal scholars. It likewise arranges a number of social functions throughout the year.

The officers of the Association for the academic year 1958-59 are:

President, Thomas J. Dixon of Illinois  
Vice-President, Richard L. Cousineau of Ohio  
Secretary, James R. Beattie of New Jersey  
Treasurer, Alfred A. Kaelin of California

Rev. Jerome J. Wilson, C.S.C., the University's Vice-President for Business Affairs, serves as Chaplain.

#### GRAY'S INN

Gray's Inn was founded in 1954 by members of the Class of 1957. It has as its primary purpose cultivation of the arts of advocacy. Named for one of the four major Inns of Court in Old England, it follows much the same procedure used by the



original Gray's Inn. At its semi-monthly meetings, conducted off-campus in an informal atmosphere, the members may be called upon, without prior notice, to discuss a given subject or to take part in a mock trial. In addition, the Inn invites speakers to discuss various legal questions, especially those of scholarly or cultural interest. Students become eligible for membership upon successful completion of their first semester in The Law School. The only other requisite is an active interest.

Officers of Gray's Inn for the academic year 1958-59 are:

Treasurer, James J. Fitzgerald of Michigan  
Vice-Treasurer, William D. Bailey of Delaware  
Master of Revels, Paul A. Titus of Pennsylvania  
Keeper of the Black Book, William J. Harte of Illinois

# Housing and Health

## LIVING ACCOMMODATIONS

Two floors of Fisher Hall are reserved for law students. Fisher Hall, which combines modern functional architecture with the collegiate Gothic prevailing on the campus, was dedicated November 29, 1952. It is conveniently situated on the southwestern edge of the campus overlooking the golf course. There are a few double rooms; the rest are single rooms. All rooms are well lighted and harmoniously furnished in blond oak. Each room is equipped with a desk, chest of drawers, wardrobe, bookcase, study lamp and bed with innerspring mattress. Students living in Fisher Hall take their meals in the University Dining Hall next door. For information concerning the cost of living in Fisher Hall see "Fees and Expenses" beginning on page 34.

A student who desires a room in Fisher Hall is advised to apply to the Director of Student Accounts, Notre Dame, Indiana, *promptly* upon approval of his application for admission to The Law School.

Desirable furnished rooms in approved private residences are available for students who cannot be accommodated in Fisher Hall or who prefer to live off-campus, and the University makes every effort to assist them in locating suitable quarters. The average rate for a single room is \$9, for a double room \$7. This includes linen, blankets and care of room. Since the more desirable rooms are in great demand, it is recommended that off-campus students plan to arrive well in advance of registration. The facilities of the University cafeteria are available to off-campus students.

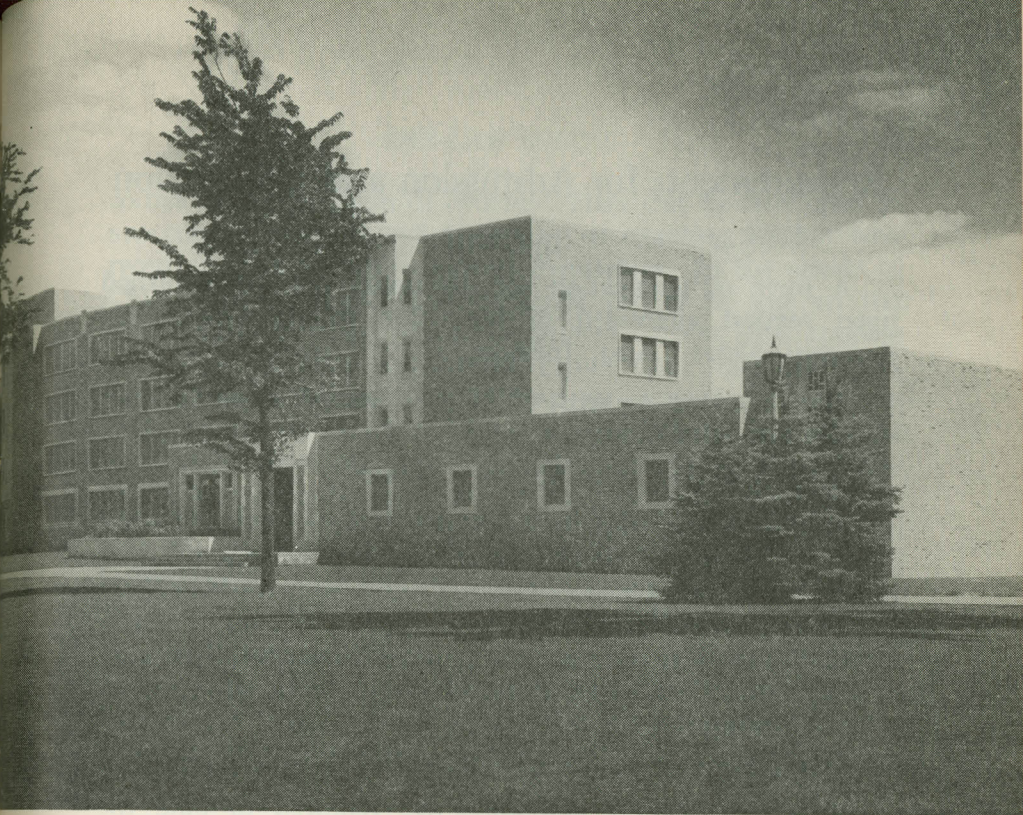
Unfurnished apartments on campus are available for married students, preference being given to those with children. The rent is \$33 per month, which includes gas range and hot water heater. It does not include a refrigerator and the occupant must pay for all gas and electricity consumed. The Northern Indiana Public Service Company requires a \$25 deposit from each new tenant and the University requires a \$20 deposit. Rental of these accommodations is handled by the Mayor of Vetville, Notre Dame, Indiana. As the supply of residential units is insufficient to meet the demand, a prospec-

tive student who is interested in these accommodations is urged to act *immediately* upon approval of his application for admission to The Law School.

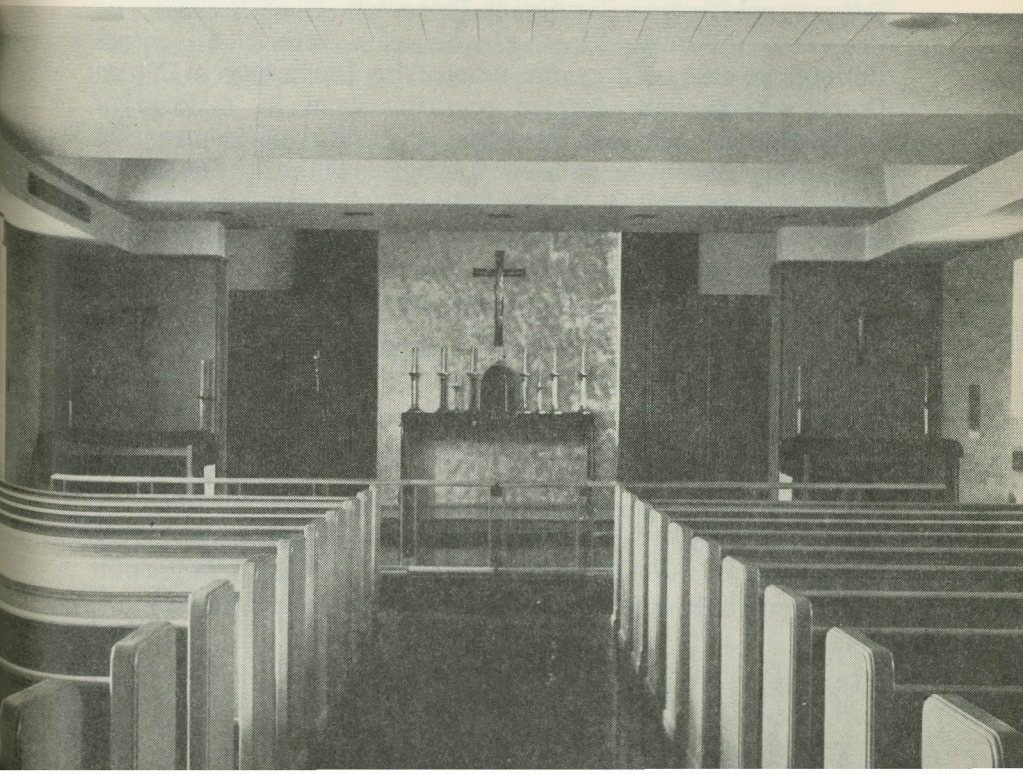
#### PHYSICAL WELFARE

Every opportunity is afforded the student to engage in healthful exercise. The indoor program is centered in the Rockne Memorial, which is devoted to the physical welfare of the students and faculty of the University. In the central part of the structure is a standard swimming pool. Surrounding the pool are 12 courts for handball and squash, and rooms for boxing and wrestling. Above the pool is a large gymnasium for basketball, indoor tennis, indoor baseball, badminton and other games. In the wings flanking the central part of the building are general apparatus rooms and rooms for corrective work. The building is under the supervision of the University's Department of Physical Education. Facilities for outdoor play include an 18-hole golf course, 22 tennis courts and a 27-acre play field laid out for all common games.

The Students' Infirmary, which is in charge of the Sisters of Holy Cross, is a modern three-story building. A physician is in attendance daily, and out-patient care, and bed care when necessary, are available to all students. No charge is made for these services, except that students living off-campus pay the nominal sum of \$3.50 a day for bed care. The University does not provide diagnostic tests, medication or X-rays.



FISHER HALL AND CHAPEL



# Requirements for Admission and Graduation

## ADMISSION

A form of application for admission will be furnished upon request addressed to the Office of the Dean, Law Building, Notre Dame, Indiana.

The following persons, if of good moral character, are eligible for admission:

- (1) Graduates of an approved college
- (2) Students who have secured the required semester hours of credit in the University's College of Arts and Letters or College of Commerce in prescribed combination programs
- (3) Veterans who have successfully completed at least three years of undergraduate study in an approved college

Beginning students are not admitted in the spring semester.

All applicants for admission are required to take the Law School Admission Test, prepared and administered by Educational Testing Service of Princeton, New Jersey. The Test is given four times a year at examination centers throughout the country, including The University of Notre Dame, and in some foreign countries as well. A form of application to take the Test and a Bulletin of Information concerning it can be obtained from the Office of the Dean, Law Building, Notre Dame, Indiana, or from Law School Admission Test, Educational Testing Service, 20 Nassau Street, Princeton, New Jersey.

Applicants are admitted subject to, and while in attendance are bound by, all applicable academic, disciplinary and other regulations (and amendments thereto) of The University of Notre Dame.

## PRE-LAW STUDIES

There are no particular courses which must be taken by a pre-law student in order to qualify for admission to the Notre Dame Law School. The qualities it is most important for a law student to possess are not the product of any one

course or combination of courses. They can be developed in any course which is well taught by an exacting teacher who requires his students to extend themselves. In the words of Chief Justice Stone, "the emphasis should be put on the intellectual discipline which the student derives from courses and [from] particular teachers, rather than [on] the selection of particular subjects without reference to the way in which they are taught." There is only one subject that is specifically recommended: a working knowledge of accounting is so helpful in the study of law that every pre-law student is urged to take at least six hours of basic accounting. For the rest, his college days should be devoted to the cultivation of intellectual and cultural interests and to the formation of habits of inquiry, of accuracy and of intensive study. As already indicated, any number of courses in various fields of learning, such, for example, as English, History, Mathematics and Philosophy, will serve this purpose, *provided* they are well taught by exacting teachers.

#### REQUIREMENTS FOR SATISFACTORY ACADEMIC STANDING

In addition to the comprehensive examination described on page 8, a written examination covering individual courses is given at the end of each semester. The passing grade in all courses, as well as on the comprehensive examinations, is 70. To continue in The Law School a student must maintain a weighted average of 70. Even though he maintains a weighted average of 70 a student will be dismissed if he fails more than one course in any semester, or if he accumulates failures in more than three courses or in courses totaling more than eight semester hours.

To insure impartiality examinations are taken anonymously; prior to each examination the student draws a number and it is this number, not his name, which appears on his examination papers. All examination papers are read and graded personally by the members of the faculty.

To be eligible to take the examinations a student must attend class regularly and punctually, and his classroom performance must be satisfactory.

## GRADUATION

The degree of Bachelor of Laws (LL.B.) is conferred upon successful completion of the prescribed program of instruction, which requires not less than three academic years of law study. The degree will not be conferred upon any student who has been guilty of dishonest or dishonorable conduct.

## CHANGE OF REGULATIONS

The Law School reserves the right to change at any time its regulations respecting admission to the School, continuance therein and graduation therefrom.

## The Program of Instruction

The program of instruction is designed to prepare a student to practice law in any state of the Union. All courses are prescribed; electives are offered only in the summer session. Special instruction is arranged for any student who must have completed certain courses, not included in the prescribed program, in order to take the bar examination in the state where he expects to practice.

In a number of courses instruction is supplemented by lectures and discussions by visiting specialists.

The Law School believes:

*"The worst enemy to the law is the man who knows only its technical details and neglects its generative principles. . . . We need lawyers now, if ever, who have drunk deeper at the fountains of the law, much deeper, than the merely technical lawyer, who is only an expert in an intricate and formal business; lawyers who have explored the sources as well as tapped the streams of the law. . . ."* Woodrow Wilson, *Legal Education of Undergraduates*, 17 AMERICAN BAR ASSOCIATION REPORTS, 439, 441 (1894).

In addition to other requirements, therefore, students are expected to read each summer a number of books having a bearing on the historical background and development of Anglo-American legal institutions. An examination on these books is given in September and must be passed before the student can continue.

### DESCRIPTION OF COURSES

The schedule of courses and instructors for the academic year 1959-60 appears on pages 32 and 33.

LAW 111, INTRODUCTION TO LAW—The idea back of this course is that the student's understanding and progress will be facilitated by an elementary survey, at the threshold of law study, of the nature and operation of the Anglo-American legal system. To that end the fundamental assumptions of



the Common Law are spelled out and its characteristic attitudes, methods and procedures are described. One of the primary purposes of this approach is to enable the student to grasp, early in his law-school career, the reasons why he studies cases and how to do so to advantage. After this first phase of the course has been completed, the student is given practical instruction in effective methods of using the law library. Karlen, *Primer of Procedure* and assigned readings.

LAW 112, HISTORY OF THE LEGAL PROFESSION—Legal history is still written in terms of kings and courts and official acts; it should be written around practicing lawyers. That is the approach which is taken in this course. The origin of lawyers is traced and their position and function in society throughout the ages examined. In the process the student is introduced to the great men of the profession who have advanced the cause of human freedom within the framework of orderly government. Particular attention is directed to the contribution made by lawyers to the rise of Western civilization and the development of Western thought. The course concludes with an examination of the Canons of Professional Ethics, for the Canons reflect the principles and ideals, the courage and devotion of the great lawyers who have made the practice of law a learned profession dedicated to justice. Assigned readings.

LAW 113 AND 123, CONTRACTS I AND II—The first part of the course is given over to a study of the elements of a contract and the general principles of contract law. Offer, acceptance, consideration, the Statute of Frauds and the parole evidence rule are considered, together with general problems in drafting and interpreting contracts. Attention is then directed to the remedies available against parties who fail to perform their agreements, to the effect of unforeseen changes in conditions and impossibility of performance, restrictions imposed by law and public policy upon individual freedom of contract, assignment of contracts, and to third-party beneficiaries. Actions sounding in contract are compared with those sounding in quasi-contract and tort. Patterson, Goble and Jones, *Cases on Contracts*.

LAW 114 AND 124, TORTS I AND II—This course is concerned with the legal rules which determine whether civil liability attaches to conduct resulting in harm to others. Intentional injuries to the person, fraud, misrepresentation, libel and slander, unfair competition, interference with contractual relationships and invasions of personal interests are considered. Particular attention is given to the rules which determine responsibility for what are commonly called accidents and to the expanding field of liability without fault. The effect of legislation upon the common law of torts is studied through the medium of wrongful death and survival statutes, statutes permitting tort actions against the state and federal governments and the federal employers' liability acts. Green, *Cases on Injuries to Relations* and Green, Malone, Pedrick and Rahl, *Cases on the Law of Torts*.

LAW 115, CRIMINAL LAW AND PROCEDURE—This course is intended to promote understanding of criminal law as one of the means to a good society. Modern criminal law is analyzed and evaluated as a means of preventing socially undesirable behavior. Common law principles are studied along with modern statutory developments. The practical workings of criminal procedure are examined, including arrest, investigation, indictment, bail, extradition, arraignment, trial, judgment and appeal. Special attention is given to such vital constitutional problems as self-incrimination, search and seizure, coerced confessions, double jeopardy and the right to counsel. Throughout the course the actual administration of criminal law is evaluated; this is particularly true of the various types of correctional treatment. Michael and Wechsler, *Criminal Law and Its Administration* and assigned readings.

LAW 116, LEGISLATION—This course is intended to familiarize the student with the development of statutory law and its role in the Anglo-American legal system. Consideration is given to the philosophy of self-government and to significant historical events underlying our democracy. Legislative procedure, the form of statutes, legislative language and the mechanics of modern legislative drafting are studied, as well

as the role of courts and administrative agencies in the interpretation of statutes. Throughout the course the relationship of legislation to judge-made law is stressed. Sands, *Materials on Legislation* (mimeographed ed).

LAW 121, AGENCY—The theory and application of the rule imposing liability on the employer for an employee's torts are first examined. Attention is then concentrated on the establishment of the principal-agent relation, the power of the agent to bind the principal in contracts with third parties, the effect of the principal's ratification of the agent's unauthorized acts and the various rights of the principal, agent and third party against each other during the existence of the agency and after its termination. Mechem, *Cases on the Law of Agency* (4th ed).

LAW 125, PROPERTY I—This course is concerned with major problems in the law of personal property and of real property. At the outset, concepts common to both are discussed. Then several important aspects of the law of personal property are considered. The remainder of the course is devoted to a study of estates in land, methods of conveyancing, and landlord and tenant. Taxation and insurance are discussed briefly, insofar as they relate to land ownership and occupancy. Students are required to prepare leases and other instruments having to do with the possession and use of land. Casner and Leach, *Cases and Text on Property*.

LAW 126, PROCEDURE I (JURISDICTION AND VENUE)—This course presents a study of the role of courts in the settlement of controversies. The nature and extent of the power of courts, the conditions necessary for the lawful exercise of judicial power over persons and things, and the effect of judgments—these form the main outlines of the study. Specific topics include the legal bases for the authority of courts, the distribution of judicial power among federal and state courts, jurisdiction and venue, service of process, res judicata and collateral estoppel. Field and Kaplan, *Materials for a Basic Course in Civil Procedure*.

LAW 131 AND 141, NATURAL LAW I AND II—This weekly seminar is designed to awaken interest in natural law, and to

encourage the habit of scrutinizing legal problems in the light of natural law principles. To this end, actual present-day problems are assigned for individual study, and thereafter are intensively discussed in class—problems whose just solution inescapably involves objective consideration of the essential nature of man. Mimeographed materials and assigned readings.

LAW 132, PROCEDURE II (REMEDIES)—This course is concerned with the kind and amount of relief which a court can give, once the right to some form of relief has been established. It integrates materials which formerly were considered in separate courses on Equity, Damages and Quasi-Contracts. Extensive consideration is given to the remedies of injunction and specific performance and to equitable remedies generally. Other topics include damages for injury to person, property, commercial interests and personality, damages for breach of contract, and recovery of benefits conferred on another under an unenforceable agreement or as a result of mistake, fraud or coercion. Wright, *Cases on Remedies*.

LAW 133, CONSTITUTIONAL LAW—Attention is concentrated on significant present-day problems arising under the Constitution. Conflicting views as to the principles and canons of interpretation are critically examined. The theory and practice of judicial review are investigated. Problems involving the extent of Congressional power, the co-existence of our national and state governments, the protection of civil liberties, the making of treaties and their effects, and the functions of the executive and the judiciary in the national legal process are considered. Freund, Sutherland, Howe and Brown, *Constitutional Law, Cases and Other Problems*.

LAW 134, PROPERTY II—This course treats in detail of the modern land transaction. The basic documents—contract, deed and mortgage—are thoroughly analyzed and considered in relation to title recordation, title examination and title insurance. The impact of public and private regulation of land use and ownership is then considered. The remainder of the course is given over to study of relationships between prop-

erty owners: easements, licenses and rights incident to the ownership of land. Casner and Leach, *Cases and Text on Property*.

LAW 135, PROCEDURE III (PLEADING AND PRACTICE)—This course is concerned with the rules of procedure which govern the conduct of civil suits. The phases of a lawsuit are followed from the commencement of an action through the taking of an appeal. Special attention is given to pleading, discovery, pre-trial conference, summary judgment, trial and appeal. The heart of the course is a study of the Federal Rules of Civil Procedure. Significant variations from federal procedure found generally in state procedural systems are considered, and problems are assigned which are designed to familiarize the student with the procedural rules of the state in which he intends to practice. Field and Kaplan, *Materials for a Basic Course in Civil Procedure*.

LAW 142, BUSINESS ASSOCIATIONS—The two important forms of business association, private corporations and partnerships, are considered. The course is concerned primarily with the corporate form. Promotion, incorporation, state and federal regulations respecting the issuance of securities, powers and duties of directors, rights and remedies of shareholders, creditors' rights and dissolution are considered. The Uniform Partnership Act is considered contemporaneously with the study of private corporations to the extent necessary to make clear the differences between the two forms of organization, particularly with regard to control, liability of the associates and the rights of creditors. Frey, *Cases and Materials on Corporations and Partnerships*.

LAW 143, ADMINISTRATIVE LAW—This course is intended to promote understanding of the administrative process. To this end, the functions, powers and procedures of administrative agencies are examined. The conditions of valid administrative action, and the role and scope of judicial review are likewise considered. Special attention is given to the provisions of the Administrative Procedure Act. Davis, *Cases on Administrative Law* and assigned readings.

LAW 144, LABOR LAW—By way of introduction, the English common law and statutes affecting labor disputes and their effect on early American labor law are reviewed. Factors related to the development of labor organizations and collective bargaining are explored, with particular reference to methods used to encourage and to impede unionization and to their social, political and economic consequences. A major part of the course is devoted to an analysis of the Labor-Management Act. Criticisms of the act and the more important suggested amendments are considered. Matthews et al., *Labor Relations and the Law*.

LAW 145, PROCEDURE IV (EVIDENCE)—The aim of this course is to develop familiarity with the techniques by which evidence of controverted facts is presented in litigation before judicial tribunals. Traditional rules are compared with the Model Code of Evidence proposed by the American Law Institute. Ladd, *Cases and Materials on Evidence*.

LAW 146, FAMILY LAW—This course, conducted as a seminar, is concerned with discussion of problems in the following areas: the unmarried mother, "heart balm" legislation, annulment, common-law marriage, divorce, alimony and custody of children, separation agreements, property settlements, adoption, juvenile delinquency, old age assistance and aid to dependent children, the Uniform Reciprocal Enforcement of Support Act, and artificial insemination. The course is designed to foster an awareness, through the use of some non-legal materials, of the need for inter-professional cooperation in the solution of these problems. The course includes a series of lectures on the Canon Law of marriage, annulment and divorce. Students who are not of the Catholic faith may be excused from these lectures on request. Harper, *Problems of the Family*.

LAW 152, FEDERAL TAXATION I—Legal problems involving the federal income tax which commonly arise in actual practice constitute the chief matter for study in this course. Major emphasis is placed on substantive problems involving business

activities of individuals, partnerships and corporations; family problems, especially those having to do with the provisions applicable to estates and trusts; and the problems of shareholders and creditors affected by corporate reorganizations and readjustments. Questions of policy are also considered in the light of fiscal history and with a view to likely future developments. The constitutional basis for the growth of federal income taxation is examined; and the functions in tax matters of Congress, the President, the Treasury (including the Internal Revenue Service) and the courts (including the Tax Court) are explored. Practice in the use of the various relevant materials, particularly the Code, regulations, judicial decisions, department rulings and committee reports, is insisted on for the purpose of developing facility in working with these materials and an appreciation of their practical importance and relative weight. Surrey and Warren, *Federal Income Taxation, Cases and Materials* (1955 ed) and Surrey and Warren, *Federal Taxation, Current Law and Practice*.

LAW 153 AND 163, ESTATE PLANNING I AND II—This course is an integration of the law relating to wills, trusts and future interests. The historical development, execution, operative effect and administration of wills and trusts, and the function and significance in estate planning of various types of testamentary and inter-vivos transfers are examined, along with related problems in future interests, especially the rule against perpetuities, restraints on accumulation of income, restraints on alienation, class gifts and powers of appointment. The tax aspects of these matters are emphasized. The various instruments useful in estate planning are studied and drafting of such instruments is required. Until a comprehensive collection of cases and materials can be prepared, the following will be used: Scott, *Cases on Trusts* (4th ed); Powell, *Cases on Future Interests* (2d ed); Turrentine, *Cases on Wills and Administration*; Rollison on *Wills*.

LAW 154, SALES—This course analyzes the problems involved in the passing of title to goods, the rights and duties created by sales contracts and conditional sales contracts, and

the liability of the seller for defects in title and quality of goods sold. Practical problems arising out of contemporary sales practices are emphasized, and stress is laid on the application of statutes such as the Uniform Sales Act, Conditional Sales Act and the Uniform Commercial Code. Bogert and Britton, *Cases on Sales* (2nd ed).

LAW 155, BILLS AND NOTES—This course involves a critical study of the text of the Uniform Negotiable Instruments Act in the light of decided cases, with due attention to local variations and the Uniform Commercial Code. The topics considered, in the order of their appearance in the Uniform Act, are the form of a negotiable instrument, transfer by delivery and indorsement, the equities and defenses of the parties, their respective liabilities and the discharge of a negotiable instrument. Careful study of various forms of negotiable paper in current business use is emphasized. Britton, *Cases on Bills and Notes* (4th ed).

LAW 156, PROCEDURE V (PRACTICE COURT)—Every student must participate in at least one jury trial. Each Saturday during the first semester a complete case is tried in the "Superior Court of Hoynes," which follows, in the main, the Federal Rules of Civil Procedure. Student counsel interview parties and witnesses, and prepare and file pleadings and a trial brief. All preliminary matters are heard by Professor Barrett and, on the afternoon preceding the trial, the jury is impanelled by him. The trials are presided over by Honorable Luther M. Swygert, Judge of the United States District Court for the Northern District of Indiana. First-year students are required to serve as jurors. Faculty members from the several colleges of the University, their wives, local business and professional men, and members of the South Bend Police Department serve as parties and witnesses. Proceedings after verdict and judgment are heard by Professor Barrett. The aim of the Practice Court is to broaden the understanding and deepen the insight of the students—not only the upper classmen who try the cases but also the first-year men who serve as jurors—and to achieve this greater understanding and insight through active participation in the resolution of controversy by jury trial—the pro-



cess which is central to and characteristic of our legal system. Stryker, *The Art of Advocacy* and Goldstein, *Trial Technique*.

LAW 161, JURISPRUDENCE—This course, in the words of Woodrow Wilson, is devoted to an examination of “the essential nature and processes of law . . . the methods by which the law has grown, the vital principles by which . . . it has been pervaded, its means of serving society and its means of guiding it.” Snyder, *Preface to Jurisprudence*.

LAW 162, FEDERAL TAXATION II—The operation and effect of the federal estate and gift taxes are emphasized, and the constitutional basis for these taxes is examined and policy questions are explored. Attention is concentrated on the different types of property interests that are subject to the two taxes, the tax treatment of powers of appointment, the operation of the marital deduction and split-gift provisions, and the valuation of estates and gifts. Warren and Surrey, *Federal Estate and Gift Taxation, Cases and Materials* (1956 ed) and Surrey and Warren, *Federal Taxation, Current Law and Practice*.

LAW 165, SECURED TRANSACTIONS—This course is designed to give the student an understanding of the law regulating various security devices available to creditors. The first part of the course is devoted to the use of land as security and includes a study of the lien and title theories of the real estate mortgage, and of the rules pertaining to foreclosure, redemption, priority, assignment and related questions. This is followed by a study of the use of chattels and intangibles as security, including an investigation of the law concerning pledge, chattel mortgage, conditional sale, trust receipt and equitable lien. Provisions of the Bankruptcy Act which affect the validity and priority of security devices are considered. Finally, the law of suretyship is examined, particular attention being paid to the rules pertaining to the obligations of sureties, the relations of co-sureties, and problems of quasi-suretyship. Durfee, *Cases on Security*.

LAW 166, CONFLICT OF LAWS—This course is concerned with the principles followed by the courts of a state when

asked to enforce the rights or duties created by the laws of another state. The general subject of jurisdiction is considered first, including the jurisdiction of a foreign state to create rights and duties enforceable elsewhere, and the jurisdiction of the forum to entertain suits based upon such rights and duties. The balance of the course is concerned with the choice-of-law problem in the fields of Torts, Contracts, Property, Business Organizations, Domestic Relations and Decedents' and Debtors' Estates. Emphasis is placed upon the theoretical bases of the Conflict of Laws, the general principles guiding the forum in choosing the applicable law and the American constitutional limitations on the freedom of the forum in this regard. Stumberg, *Cases on Conflict of Laws*.

#### ELECTIVES

The following elective courses are taught in the Summer Session upon request of a sufficient number of students:

- Law 171, Civil and Political Rights
- Law 172, Comparative Law
- Law 173, Corporate Receiverships and Reorganizations
- Law 174, Creditors Rights
- Law 176, Government Regulation of Business
- Law 177, Insurance
- Law 178, International Law
- Law 179, Law of Oil and Gas
- Law 180, Legal Problems of Radio and Television
- Law 181, Municipal Corporations
- Law 182, Patent and Copyright Law
- Law 183, Public Utilities
- Law 185, Roman Law
- Law 186, Workmen's Compensation
- Law 187, World Organization and the United Nations
- Law 188, Air Law

# Schedule of Courses

## FIRST YEAR

### FIRST SEMESTER

- Law 111, Introduction to Law, Dean O'Meara, Associate Professor Ward and Assistant Professor Krasnowiecki, three hours
- Law 112, History of the Legal Profession, Professor Chroust, three hours
- Law 113, Contracts I, Assistant Professor Murphy and Assistant Professor Krasnowiecki, three hours
- Law 114, Torts I, Associate Professor Wagner, three hours
- Law 115, Criminal Law, Associate Professor Broden, three hours

### SECOND SEMESTER

- Law 116, Legislation, Associate Professor Rodes, two hours
- Law 121, Agency, Professor Barrett, two hours
- Law 123, Contracts II, Assistant Professor Murphy and Assistant Professor Krasnowiecki, three hours
- Law 124, Torts II, Associate Professor Wagner, three hours
- Law 125, Property I, Assistant Professor Kellenberg, three hours
- Law 126, Procedure I (Jurisdiction and Venue), Associate Professor Ward, two hours

## SECOND YEAR

### FIRST SEMESTER

- Law 132, Procedure II (Remedies), Associate Professor Ward, four hours
- Law 134, Property II, Assistant Professor Kellenberg, four hours
- Law 142, Business Associations, Associate Professor Rodes, four hours
- Law 144, Labor Law, Assistant Dean Broderick, three hours

SECOND SEMESTER

- Law 141, Natural Law, Associate Professor Rodes and Father Boarman, two hours
- Law 133, Constitutional Law, Professor Peters, four hours
- Law 143, Administrative Law, Associate Professor Broden, three hours
- Law 135, Procedure III (Pleading and Practice), Associate Professor Ward, three hours
- Law 145, Procedure IV (Evidence), Assistant Dean Broderick, three hours

THIRD YEAR

FIRST SEMESTER

- Law 152, Federal Taxation I, Professor Peters, four hours
- Law 153, Estate Planning I, Professor Rollison, four hours
- Law 154, Sales, Associate Professor Wagner, two hours
- Law 155, Bills and Notes, Professor Barrett, three hours
- Law 156, Procedure V (Practice Court), Judge Swygert and Professor Barrett, two hours

SECOND SEMESTER

- Law 146, Family Law, Assistant Professor Kellenberg, one hour
- Law 161, Jurisprudence, Professor Chroust and Associate Professor Broden, three hours
- Law 162, Federal Taxation II, Professor Peters, two hours
- Law 163, Estate Planning II, Professor Rollison, four hours
- Law 165, Secured Transactions, Mr. Levy, three hours
- Law 166, Conflict of Laws, Professor Barrett, three hours

The foregoing program for the academic year 1959-60, though definitely planned at the date of this Bulletin, is subject to change.

## Fees and Expenses

**TUITION FEE**—The tuition and general fee for students who do not reside on the campus is \$450 a semester. Payment of this fee entitles the student to instruction; use of the Law Library and the University Library; admission to lectures, concerts, etc., in Washington Hall; medical services as indicated on page 16; use of the Rockne Memorial, the athletic fields and the University golf course (a green fee of 25 cents is charged); admission to athletic contests at Notre Dame; a copy of each issue of *The Scholastic*, news magazine of the University; and a copy of the *Dome*, yearbook of the University.

**COMBINED FEE FOR RESIDENCE, BOARD, TUITION, ETC.**—A student who lives in Fisher Hall is charged a combined fee of \$880-\$910 a semester, the precise amount being determined by the room occupied. Payment of this fee entitles the student to residence in Fisher Hall, meals in the University Dining Hall, laundry to the extent of normal requirements, and to the other services and facilities enumerated above under **TUITION FEE**.

**DEPOSIT FOR SPECIAL FEES**—Students are required to deposit \$30 at the beginning of the academic year. This deposit represents an estimate of the cost of special fees payable during the academic year. Against the sum deposited there is a fixed annual charge of \$1.75, the price of a year's subscription to the *Notre Dame Lawyer*. A diploma fee of \$15 is charged against the deposit of third-year students. Any difference between the estimated and the actual charges during the year is adjusted at the end of the year.

**LATE REGISTRATION FEE**—If a student is permitted to register after the final date fixed for registration (page 42), a late-registration fee is charged.

**PAYMENT OF FEES**—All fees are payable in advance prior to the beginning of the semester. In case of need, a deferred-payment plan is available.

The regulations regarding fees, portions of which are summarized above, are set out in full in The General Bulletin of the University. Any fee may be changed at any time without prior notice, and new charges may be added without prior notice.

# Financial Aids

## SCHOLARSHIPS

**THE JOHN J. CAVANAUGH LAW SCHOLARSHIPS**—Founded by Rev. Theodore M. Hesburgh, C.S.C., President of The University of Notre Dame, in honor of his predecessor, Rev. John J. Cavanaugh, C.S.C. The University awards annually two 3-year tuition scholarships, one to a graduating senior in the University's College of Arts and Letters and the other to a graduating senior in the College of Commerce. These awards are made only to students who have demonstrated exceptional scholastic ability.

**THE WILLIAM J. BRENNAN LAW SCHOLARSHIPS**—Established in November 1956 in honor of Mr. Justice Brennan of the Supreme Court of the United States. Three scholarships, of the value of \$4950 each, are awarded annually by The University of Notre Dame and the Notre Dame Law Association. They provide full tuition for three years, furnished by the University, plus a cash award by the Law Association of \$750 each year for three years. To be eligible for consideration a candidate for one of these scholarships: (1) must be a graduate of an American Catholic college or university; (2) must be nominated by his dean or pre-law adviser; (3) must rank in the top 10% of his class; (4) must make a score on the Law School Admission Test of not less than 600. Only those who apply before March 1 are considered.

**THE CHARLES F. WILLIAMS LAW SCHOLARSHIPS**—Established in June of 1954 under the will of Charles F. Williams of Cincinnati, Ohio, a member of the Associate Board of Lay Trustees from 1948 until his death in September of 1952. The income from \$50,000 will be awarded annually, in amounts to be determined periodically, to students of unusual promise.

**THE F. HENRY WURZER AND LOUIS C. WURZER LAW SCHOLARSHIP**—Established in May of 1954 by relatives and friends of F. Henry Wurzer, '98, and Louis C. Wurzer, '96. The stipend is \$1,500, which may be awarded to one outstanding student or divided among several.

THE JOHN M. TUOHY LAW SCHOLARSHIP—Established in February of 1955 in honor of the late John M. Tuohy of the Appellate Court of Illinois. The stipend is \$1500 annually, which may be awarded to one student of outstanding ability or divided among several.

THE ANDREW A. HELLMUTH LAW SCHOLARSHIP—Established in April of 1955 by Paul F. Hellmuth, '40, a member of the Advisory Council, in honor of his father, the late Andrew A. Hellmuth of Springfield, Ohio. The stipend is \$1000 annually, which may be awarded to one exceptionally talented student or divided among several.

THE GEORGE G. HUGHES LAW SCHOLARSHIP—Established in October of 1955 in honor of the late George G. Hughes of New York City by two of his friends in South Bend. The stipend is \$750.

THE ADVISORY COUNCIL SCHOLARSHIP—Established in November of 1955 by a member of the Advisory Council. The stipend is \$750 a year for three years.

THE McCUNE FOUNDATION SCHOLARSHIP—Established in August of 1956 by C. N. McCune, a member of the Advisory Council. The stipend is \$500 a year for three years.

THE CHESTER A. WYNNE, JR. LAW SCHOLARSHIP—Established in July of 1957 by Chester A. Wynne, L'22, and Mrs. Wynne in memory of their son, who was a student in the Notre Dame Law School at the time of his death. The stipend is \$500 a year.

THE JOSEPH B. MCGLYNN LAW SCHOLARSHIP—Established in August of 1957 by Daniel F. McGlynn, Jr., L'18, in honor of the late Joseph B. McGlynn, L'12, of East St. Louis, Illinois. The stipend is \$500 a year.

THE ROBERT E. MCGLYNN LAW SCHOLARSHIP—Established in December of 1957 by Daniel F. McGlynn, Jr., L'18, in honor of the late Robert E. McGlynn, L'23, of East St. Louis, Illinois. The stipend is \$500 a year.



THE MATTHEW J. WALSH LAW SCHOLARSHIP—Established in December of 1957 by Daniel F. McGlynn, Jr., L'18, in honor of Rev. Matthew J. Walsh, C.S.C., former President of The University of Notre Dame. The stipend is \$500 a year.

THE NOTRE DAME LAW ASSOCIATION SCHOLARSHIPS—Provided annually by the Notre Dame Law Association to a limited number of exceptionally talented students.

#### EMPLOYMENT

Part-time work is available for students. However, the study of law is a *full-time occupation*; and any student who, for pressing economic reasons, must work more than a maximum of 12 hours a week, is urged to consult the Dean as to the advisability of spreading the prescribed program of instruction over more than the minimum of three academic years.

#### LOANS

In addition to scholarships and part-time employment, there is a loan program, designed to help those students who, but for the availability of such assistance, could not attend the Notre Dame Law School. Under this program, second- and third-year students, who are without other resources, can borrow up to \$500 a semester, or a total of \$2000. While the student is still in school, the interest is 2%, payable quarterly. The principal is repayable in installments, beginning one year after graduation.

## Notre Dame Law Association

Upon graduation students become members of the Notre Dame Law Association, a national organization composed of members of the bar who attended Notre Dame. The Association seeks to promote the interests and increase the usefulness of the Notre Dame Law School and to foster a spirit of loyalty and fraternity among the alumni of The University of Notre Dame who are members of the legal profession. Each year the Association provides the funds for a number of tuition scholarships, and its members render invaluable aid to the School in its placement activities.

The Association meets at The Law School each June in conjunction with the University's annual reunion week-end. It holds a meeting, also, in conjunction with the annual convention of the American Bar Association.

The officers of the Notre Dame Law Association are:

Honorary President, Mr. Norman J. Barry,  
Chicago, Illinois

President, Mr. Roger P. Brennan,  
Cleveland, Ohio

Vice-President, Mr. William E. Bradbury,  
Robinson, Illinois

Secretary-Treasurer, Mr. Raymond W. Troy,  
Newark, New Jersey

In addition to the officers the following are directors:

Mr. John M. Crimmins, Pittsburgh, Pennsylvania

Honorable Edward H. Fenlon, Petoskey, Michigan

Mr. George H. Gore, Fort Lauderdale, Florida

Mr. Michael L. Hines, Las Vegas, Nevada

Mr. William T. Huston, Los Angeles, California

Mr. John J. Locher, Jr., Cedar Rapids, Iowa

Mr. Albert H. Monacelli, New York, New York

Mr. James P. Swift, Dallas, Texas

# Natural Law Institute

The Natural Law Institute, a function of the Notre Dame Law School, was organized in 1947. Five annual convocations were held under its auspices, the last one in December 1951. Thereafter a search was undertaken for a way in which the Institute could function effectively on a year-round rather than a once-a-year basis. The search eventuated in publication of the *Natural Law Forum*, the only learned journal of its kind in the English language. The first issue came off the press early in July, 1956; the fourth will be available about May 1, 1959.

It is the purpose of the *Forum* to promote a serious and scholarly investigation of natural law in all its aspects; and, to that end, it will encourage the widest search for universal standards relevant to the solution of contemporary problems.

The *Forum* is published, under the auspices of the Natural Law Institute, by an editorial board composed of the following distinguished scholars:

## EDITOR-IN-CHIEF

Professor A. H. Chroust, Notre Dame Law School

## ASSOCIATE EDITORS

Professor Vernon J. Bourke, St. Louis University

Mr. George W. Constable, Baltimore, Md.

Professor W. J. Curran, Boston University School of Law

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Law School

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Law School

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Professor F. S. C. Northrop, Yale University Law School

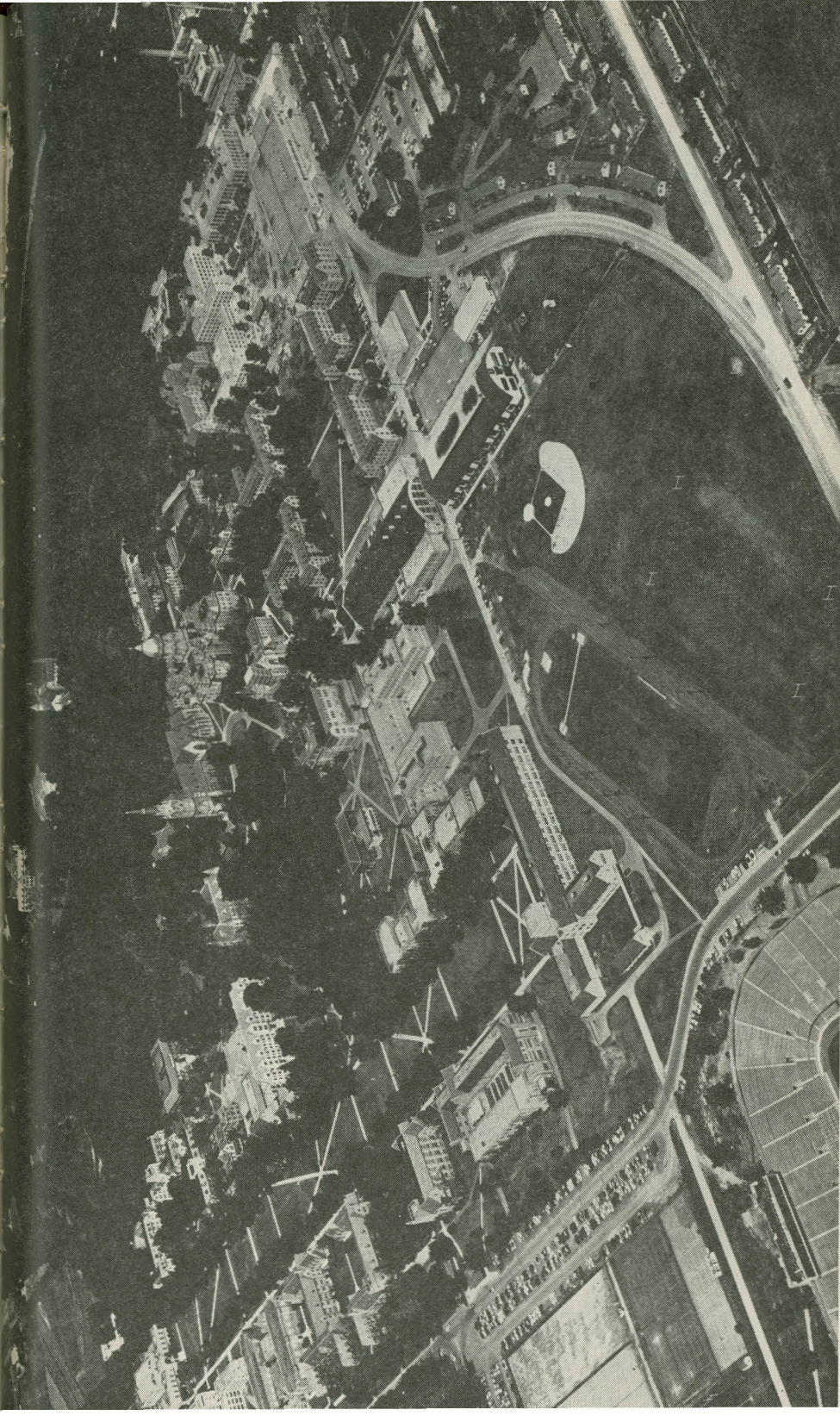
Professor H. A. Rommen, Georgetown University

Professor John Wild, Harvard University

Professor Joseph P. Witherspoon, University of Texas

School of Law

Professor Erik Wolf, University of Freiburg, Germany



The University of Notre Dame from the air

# The Law School Calendar, 1959-60

## FALL SEMESTER

Sept. 17	Registration
Sept. 18	Classes begin at 8:30 a.m.
Oct. 11	Founder's Day Mass
Nov. 1	All Saints' Day
Nov. 26	Thanksgiving Day. No classes
Dec. 8	Feast of the Immaculate Conception. No classes
Dec. 19	Christmas Vacation begins after last class
Jan. 4	Classes resume at 8:30 a.m.
Jan. 21 to Jan. 29	Examinations

## SPRING SEMESTER

Feb. 1	Registration; classes begin at 8:30 a.m.
Feb. 22	Washington's Birthday. No classes
Apr. 12	Easter Vacation begins after the last class
Apr. 20	Classes resume at 8:30 a.m.
Apr. 27 to May 6	Preregistration for fall semester of 1960-61 and for the summer session of 1960
Apr. 27 to May 9	Reservation for rooms for 1960-61
May 26	Ascension Thursday
May 26 to June 3	Examinations
June 5	Commencement Exercises

*"If anyone . . . believes he can practice law without the investment of many hours of wearisome toil and actual physical labor, without the shouldering of many heavy burdens of care, without the suffering of many bitter disappointments, and without being subjected to harsh and unfounded accusations of unfaithfulness to his trust, let him change his course now before it is too late. The practice of law does indeed offer compensations other than financial, but it should be constantly borne in mind that whoever aspires to eminence in that field must love it and live it, for none other can survive its rigors."* From an address by Honorable Floyd S. Draper, former Chief Justice of the Indiana Supreme Court, before a Special Convocation at Valparaiso University on May 6, 1954.

UNIVERSITY OF NOTRE DAME

NOTRE DAME, INDIANA

The University of Notre Dame publishes bulletins for the several Schools and Colleges of the University under the following titles:

THE GENERAL BULLETIN

—

THE GRADUATE BULLETIN

—

THE LAW SCHOOL

—

THE COLLEGE OF ARTS AND LETTERS

—

THE COLLEGE OF SCIENCE

—

THE COLLEGE OF ENGINEERING

—

THE COLLEGE OF COMMERCE

—

THE SUMMER SESSION

To secure copies of any of the above bulletins, address the Office of the Director of Admissions, University of Notre Dame, Notre Dame, Indiana.